



ITW

Attorney Docket No. 21146.00

Customer No. 37833

Confirmation No. 3385

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE PATENT APPLICATION OF:

APPLICANT : SHAWN CHARRON

APPL. NO. : 10/622,585

ART UNIT : 3749

FILED : July 21, 2003

EXAMINER : H. JOYCE

FOR : FOUNDATION VENT COVER

MAIL STOP NON-FEE AMENDMENT  
COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

**RESPONSE TO ELECTION REQUIREMENT**

Sir:

In the Office action dated May 4, 2004, the Examiner required an election of species under 35 U.S.C. § 121 prior to an examination on the merits of application. The separate species of the claimed invention are identified by the Examiner as follows:

Figure 1

Figure 2

Figure 3

*Application No.: 10/622,585*  
*Art Unit: 3749*

*Attorney Docket No. 21146.00*  
*Confirmation No. 3385*

In compliance with the Examiner's requirement, Applicant provisionally elects with traverse for further prosecution the foundation vent cover illustrated in Fig. 2. Claims 1-6 are considered to be readable on the elected species.

Notwithstanding the propriety of the election requirement for examination purposes, Applicant contends that he should be entitled to a consideration of a reasonable number of embodiments falling within the scope of a generic inventive concept. Specifically, Claims 1-6 should be considered generic to the embodiments depicted in Figure 1 and Figure 2. Lines 18-21 of page 7 of the instant specification state that the vent covers in Figures 1 and 2 are identical in all respects other than decorative design. Thus, it is Applicant's contention that a search and examination of both the species depicted in Figures 1 and 2 would require no extra burden on the Examiner. For these reasons we believe that the restriction between the embodiments depicted in Figures 1 and 2 is improper.

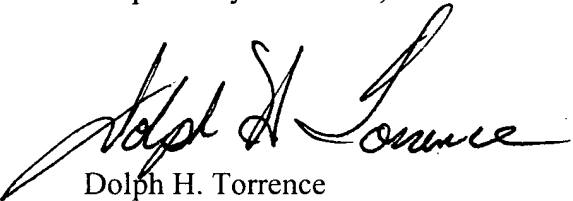
Moreover, with regard to the species depicted in Figure 3, it would appear that a search and examination of the entire application can be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search

*Application No.: 10/622,585*  
*Art Unit: 3749*

*Attorney Docket No. 21146.00*  
*Confirmation No. 3385*

Accordingly, it is respectfully requested that the Examiner withdraw the election requirement, and issue an action on the merits of all the embodiments presently in the case. Alternatively, should the Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,



Dolph H. Torrence  
Registration No. 34,501  
(703) 486-1000

DHT:RCL/gps